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S/ 5/22

APPROVED
MAY 22 1976

THE WHITE HOUSE
WASHINGTON
May 19, 1976

ACTION
Last Day: May 24

Posted
5/22/76
Do Archives
5/24/76

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON
SUBJECT: H.R. 2776 - Relief of Candido Badua

Attached for your consideration is H.R. 2776, sponsored by Representative Leggett.

The enrolled bill would exempt the beneficiary from the five-year residence and physical presence requirements of the Immigration and Nationality Act for naturalization. Mr. Badua has been employed by USIA since 1953 on a temporary basis and entered the U.S. in 1973. USIA has advised that his naturalization is necessary inasmuch as they do not have legal authority to continue his employment.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus), NSC and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 2776 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

MAY 18 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 2776 - Relief of Candido Badua
Sponsor - Rep. Leggett (D) California

Last Day for Action

May 24, 1976 - Monday

Purpose

To authorize the naturalization of a Filipino employee of the U.S. Government held prisoner by the North Vietnamese during the Vietnam War.

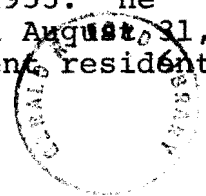
Agency Recommendations

Office of Management and Budget	Approval
Immigration and Naturalization Service	Approval
Department of State	No objection

Discussion

The enrolled bill would exempt the beneficiary from the five-year residence and physical presence requirements of the Immigration and Nationality Act for naturalization and permit his naturalization at any time after the date of its enactment.

Mr. Badua is a 51 year old native and citizen of the Philippines who resides with his wife and five children in California. Mr. Badua has been employed as a radio engineer with the U.S. Information Agency (USIA), Voice of America, since 1953. He entered the United States as a permanent resident on August 31, 1973; his wife and children were admitted as permanent residents on November 5, 1973.



MEMORANDUM

NATIONAL SECURITY COUNCIL

2916

May 19, 1976

MEMORANDUM FOR: JAMES M. CANNON
FROM: JEANNE W. DAVIS *JWD*
SUBJECT: H. R. 2776 - H. R. 4038
H. R. 8863 - H. R. 5227

The NSC Staff has no objection to the President's approval of enrolled bills 2776, 4038, 8863 and 5227.



While employed by the Voice of America in Hue, South Vietnam, Mr. Badua was captured by the Vietcong during the 1968 Tet offensive and held as a prisoner of war until March 5, 1973. Shortly after his capture, Mr. Badua acted to save the life of then-injured Mr. Charles E. Willis, another USIA employee captured at the same time. By carrying Mr. Willis several miles during the prisoners' march out of the combat zone, Mr. Badua prevented the execution of Mr. Willis by a Vietcong guard. For this heroic act, Mr. Badua received commendations from both former President Nixon and the Department of State.

Under the U.S. Information and Educational Exchange Act of 1948, USIA is permitted to hire foreign nationals only for purposes of providing language translation services. Because Mr. Badua is not a translator, his employment is temporary. USIA has advised INS that naturalization of Mr. Badua in the near future is necessary inasmuch as USIA does not have legal authority to continue his employment on a temporary basis. Should Mr. Badua's appointment be terminated, he would be incapable, because of his lack of citizenship, of competing with U.S. citizens who may apply for the position he would be forced to vacate. Under current law, Mr. Badua will not be eligible to apply for naturalization until September 1978.

Approval of the enrolled bill would permit his immediate naturalization and enable him to compete with other U.S. citizens for a permanent employment in his current position or other available Federal jobs.

James M. Frey
Assistant Director
for Legislative Reference

Enclosures



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

MAY 18 1976

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Mr. Badua is a 51 year old native and citizen of the Philippines who resides with his wife and five children in California. Mr. Badua has been employed as a radio engineer with the U.S. Information Agency (USIA), Voice of America, since 1953. He entered the United States as a permanent resident on August 31, 1973; his wife and children were admitted as permanent residents on November 5, 1973.

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

PLEASE ADDRESS REPLY TO

Washington 25, D.C.

OFFICE OF THE COMMISSIONER

13 MAY 1976

AND REFER TO THIS FILE NO.

A34 480 146

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H.R. 2776; Office of Management
and Budget request dated May 12, 1976.

Beneficiary or Beneficiaries Candido Badua.

Pursuant to your request for the views of the Department of Justice on the subject bill, a review has been made of the facsimile of the bill, the relating Congressional Committee report or reports, and all pertinent information in the files of the Immigration and Naturalization Service.

On the basis of this review the Immigration and Naturalization Service, on behalf of the Department of Justice:

- Recommends approval of the bill
- Interposes no objection to approval of the bill

Sincerely,


Commissioner

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 19

Time: 845am

FOR ACTION:

NSC/Sph

Max Friedersdorf cc (for information):

Ken Lazarus

Jack Marsh

Jim Cavanaugh

Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date:

May 19

Time:

500pm

SUBJECT:

H.R. 2776 - Relief of Candido Badua

H.R. 4038 - Relief of Jennifer Ann Blum

H.R. 8863 - Relief of Randy E. Crismundo

H.R. 2776 - Relief of Candido Badua

ACTION REQUESTED: H.R. 5227 - Relief of Frank Mark Russell

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 19

Time: 845am

FOR ACTION: NSC/S
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
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FROM THE STAFF SECRETARY

DUE: Date: May 19

Time: 500pm

SUBJECT:

H.R. 2776 - Relief of Candido Badua

H.R. 4038 - Relief of Jennifer Ann Blum

H.R. 8863 - Relief of Randy E. Crismundo

ACTION REQUESTED: H.R. 5227 - Relief of Frank Mark Russell

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection -- Ken Lazarus 5/19/76



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

WASHINGTON

May 19, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *MLF*
SUBJECT: Private Relief Bills - H.R. 2776, H.R. 4038
and H.R. 8863

The Office of Legislative Affairs concurs with the agencies
that the bills be signed.

Attachments

MAY 14 1976

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of May 12, 1976, transmitting for comment enrolled bills H.R. 8863, "For the relief of Randy E. Crismundo", H.R. 4038, "For the relief of Jennifer Anne Blum", and H.R. 2776, "For the relief of Candido Badua".

This Department has no objection to the enactment of these bills.

Sincerely yours,

Robert J. McCloskey
Assistant Secretary for
Congressional Relations

The Honorable
James T. Lynn
Director,
Office of Management
and Budget.

OFFICE OF MANAGEMENT
AND BUDGET

MAY 14 1976

RECEIVED

CANDIDO BADUA

JULY 25, 1975.—Committed to the Committee of the Whole House and ordered to be printed

Mr. SARBANES, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 2776]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2776) for the relief of Candido Badua, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of this bill is to enable Mr. Candido Badua to file a petition for naturalization.

GENERAL INFORMATION

The beneficiary of this bill is a 51-year-old native and citizen of the Philippines who was admitted to the United States for permanent residence on August 31, 1973, accompanied by his wife and five children who were also admitted as permanent residents. Since 1953 the beneficiary has been employed by the United States Information Agency, Voice of America. While so employed in Hue, South Vietnam, he was taken captive during the 1968 Tet offensive and was held prisoner of war until March 5, 1973. He is credited with saving the life of an American official during their captivity.

Certain pertinent facts in this case are contained in letters dated July 8, 1974 and June 13, 1975 from the Commissioner and Acting Commissioner, respectively, of the Immigration and Naturalization

Service to the Chairman of the Committee on the Judiciary, which read as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., July 8, 1974.

HON. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 12449) for the relief of Candido Badua, there is attached a memorandum of information concerning the beneficiary.

The bill would waive a portion of the residence and physical presence requirements of the Immigration and Nationality Act for naturalization and permit the beneficiary to be naturalized at any time after the date of its enactment, if he is otherwise eligible for naturalization under that Act.

Sincerely,

LEONARD F. CHAPMAN,
Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE H.R. 12449

The beneficiary, Candido Badua, a native and citizen of the Philippines, was born on June 12, 1924. He resides in San Francisco, California with his wife and five children and maintains a temporary residence in Dixon, California. His father is deceased. His mother and two brothers reside in the Philippines. He has a sister who is a lawful permanent resident of the United States and resides in Honolulu, Hawaii. Mr. Badua is a high school graduate and, additionally, has received degrees in Electronic Engineering Technology and Transistor Theory and Applications through correspondence courses. Mr. Badua is, and has been since 1953, employed with the United States Information Agency, Voice of America. He is a radio engineer and is presently on temporary assignment with the Dixon Relay Station, Dixon, California. Since he is still officially assigned to the Philippine Relay Station, Mr. Badua receives the wages paid a radio engineer in the Philippines, amounting to about \$3,000 per year; however, he is receiving a per diem allowance of \$25 per day while on temporary assignment. Mr. Badua owns property valued in excess of \$37,000 in the Philippines.

Mr. Badua, while employed with Voice of America in Hue, South Vietnam, was taken captive by the Viet Cong during the 1968 Tet offensive and was held prisoner of war until March 5, 1973. Mr. Badua received a letter of appreciation from President Nixon for his heroism in saving the life of Mr. Charles Willis of the United States Information Agency subsequent to their capture. He also received a certificate of appreciation from the United States Department of State.

Mr. Badua entered this country as a permanent resident on August 31, 1973. His wife and five children were admitted to the United States as permanent residents on November 5, 1973.

Mr. Badua stated that he desires to become a United States citizen because he has a strong attachment and affection for this country. He feels that the five year period he spent as a prisoner of war should fulfill the five year residency requirement of the Immigration and Nationality Act. Absent enactment of the bill, Mr. Badua will not be eligible to file a petition for naturalization until approximately September, 1978 if he remains in the United States.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., June 13, 1975.

HON. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This refers to H.R. 2776 in behalf of Candido Badua, who was also the beneficiary of H.R. 12447, 93rd Congress.

The beneficiary's 23-year-old single daughter, Teresita Bucsit Badua, was admitted to the United States in 1974, as a permanent resident alien and is currently stationed at Fort Meade, Maryland as a member of the United States Army.

Mrs. Josephine Tyler, Administrative Officer, United States Information Agency, Voice of America, Washington, D.C., advised that if adverse action on the Bill is taken and subject does not naturalize in the near future his position would most likely be terminated as the agency does not have legal authority to continue his employment on a temporary basis. She further stated that although Mr. Badua is extremely well qualified for this position there are other persons available who could perform like services to a lesser degree of proficiency.

Sincerely,

JAMES F. GREENE,
Acting Commissioner.

The Department of State submitted a report on this legislation on July 8, 1974 regarding a bill then pending for the relief of the same person. That report reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., July 8, 1974.

HON. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for a report concerning the case of Candido Badua, beneficiary of H.R. 12449, 93rd Congress.

The bill would waive the residence and physical presence requirements for the beneficiary's naturalization if he is otherwise eligible for naturalization under the Immigration and Nationality Act.

The beneficiary was born on June 12, 1924 in the Philippines. He has been employed by the Department of State and the United States Information Agency for more than twenty years, beginning in May 1953. He began his employment as a radio technician with the Department in the Philippines and held that position until he transferred to the United States Information Service (Voice of America at Hue, Viet-Nam in December 1964. During the Tet offensive on Hue in January 1968, while the beneficiary was working as a shift supervisor, he was captured by the Viet Cong and imprisoned at Hanoi, North Viet-Nam. He was released in March 1973 and returned to the Philippines, where he resumed his employment with the USIA. He is a Transmitter and Receiver Operator and Maintenance Technician.

The beneficiary applied for special immigrant status under section 101(a) (27) (E) of the Act as an employee of the United States Government. In May 1973 our Ambassador at Manila strongly recommended that Mr. Badua be granted special immigrant status because of his long and faithful service to this Government, his extended stay in an alien country besieged by war, and his courageous act of bravery in saving the life of an American official in Viet-Nam. In view of his service under exceptional circumstances, the Department concurred in the Ambassador's recommendation.

Mr. Badua, his wife and three children were issued special immigrant visas after they were found qualified in all respects. His adult daughter, Teresita, was issued a second preference immigrant visa following his admission to the United States for permanent residence.

Enclosed for the Committee's information is a copy of a Presidential letter of appreciation addressed to the beneficiary on April 19, 1973.

At present, Mr. Candido Badua is a Foreign Service Local Employee of the United States Information Service, Philippines Relay Station, on TDY at the Dixon Relay Station, Dixon, California. Mr. Badua does not intend to return to the Philippines, and has stated his intent to remain in the United States and obtain his citizenship. In view of this decision, the Voice of American is very much interested in continuing Mr. Badua's services on a full-time permanent Civil Service or Foreign Service appointment.

There is presently a vacancy for a qualified Transmitter and Receiver Operator and Maintenance Technician at the USIA Dixon Relay Station. Mr. Badua has been filling this position on a TDY basis for the past 8 months, during which time he has demonstrated that he is extremely well qualified to fill the position. Legal restrictions, however, do not permit the appointment of noncitizens to positions within the competitive Civil Service, or the Foreign Service. Citizenship is therefore essential if the United States Information Agency is to appoint Mr. Badua on a full-time permanent basis in the United States.

To further add to the Agency's desire to assist Mr. Badua in his effort to obtain immediate citizenship and United States Government employment, is the fact that Mr. Badua spent 5 years in a Viet Cong prison camp as a direct result of his employment with the United States Information Service in Hue, Viet Nam. Mr. Badua's desire to immigrate to the United States after such a grueling experience, along with his desire to continue to work for the United States Information Agency certainly indicates his high degree of loyalty and devotion to the United States.

This devotion coupled with his technical abilities and the Agency's desire to employ him is the basis for the Agency's strong support of the private bill on his behalf.

Cordially,

LINWOOD HOLTON,
Assistant Secretary for Congressional Relations.

Enclosure: Presidential letter of appreciation.

THE WHITE HOUSE,
Washington, April 19, 1973.

MR. CANDIDO BADUA,
*Care of the American Embassy,
Manila.*

DEAR MR. BADUA: The return of prisoners of war from Southeast Asia has brought with it a number of accounts of outstanding personal courage and self-sacrifice on behalf of fellow captives. Charles Willis of the United States Information Agency has told a story of that kind, and the courage and self-sacrifice he has described are yours.

During the 1968 Tet attack on Hue, Mr. Willis sustained injuries that could have cost him his life, not only because of their seriousness, but also because your captors would have simply shot him had he delayed your march northward to imprisonment. But, as he tells the story, "Pop" Badua crawled under him and carried him for most of a day—a remarkable act which clearly saved his life.

I know I speak for all the American people in saying that we are deeply grateful to you for what you did. And we are especially proud that you have chosen to continue working for the United States Government. On this occasion, as the members of the American Embassy in Manila honor you, it is a great pleasure for me to join with them in expressing my heartfelt appreciation for your heroism and my warmest best wishes for the years ahead.

Sincerely,

RICHARD NIXON.

Mr. Leggett, the author of this bill, appeared before a Subcommittee of the Committee on the Judiciary and testified in support of his bill as follows:

REMARKS OF HON. ROBERT L. LEGGETT, BEFORE THE
SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, AND
INTERNATIONAL LAW OF THE HOUSE COMMITTEE ON
THE JUDICIARY

Chairman Eilberg and members of the Immigration Subcommittee, this morning I am testifying in behalf of H.R. 2776, which without hyperbole is the most deserving private bill of my twelve years' Congressional service. These are the facts of the case:

Mr. Candido Badua, the beneficiary of this bill, is a Philippine national, born in the Philippine Islands 50 years ago. He has been employed by the Voice of America continuously since May of 1953: 22 years ago. VOA sent him to Hue in December 1964 and stationed him there as a shift supervisor. On January 31, 1968, during the Tet

offensive, he was captured by the Viet Cong together with several other employees including his supervisor Charles E. Willis, and Philip W. Manhard who is now our Ambassador to Mauritius. The prisoners were ordered to march north to the Hanoi area.

Three days after their capture, the prisoners and their guards were under U.S. air attack. You have in your file a letter from Charles Willis describing how Mr. Badua saved his life at that time. I will read very briefly from Mr. Willis' account:

"... three days after our capture . . . Mr. Badua intervened at the risk of his own life when our captors threatened to shoot me. He stepped between me and the guerrilla guard whose intent was to kill me rather than leave me on the trail as I had fallen from exhaustion and was unable to walk further due to my injuries. Mr. Badua managed to pull me to my feet and with my hands on his shoulders this much smaller man tugged and pulled me for several miles until we both dropped from exhaustion. We were now out of the 'hit' zone and were allowed to rest. I credit him with saving my life."

Ambassador Manhard has provided me with further testimonial to Mr. Badua's dedication and steadfastness, describing Mr. Badua's behavior in this way:

"During our march north he shared his own near-starvation rations with other American POW's, literally carried me or others on his back when we were unable to walk, made innumerable personal sacrifices to assist and encourage other Americans under the most soul-trying and body-weakening conditions. Mr. Badua's personal calm and constant readiness to help his fellow prisoners were invaluable to all of us. Mr. Badua, by his exemplary personal behavior and his complete, unwavering loyalty to the principles for which our country stands, earned the total and undying respect of every single American prisoner who knew him."

Mr. Badua was released by the North Vietnamese in early 1973, and on August 31 of that year he entered the United States under special immigrant status. He is now employed by the Voice of America at the Dixon Relay Station at Dixon, California, in the District which I represent. He is doing excellent work, as is certified by the numerous testimonials from his supervisors which you have in your file. His employment prospects are secure.

But he is not a United States citizen, and unless this bill passes he cannot become one until he has completed his five-year residency requirement in September 1978.

Why does he desire citizenship sooner? Why have I introduced this bill? There are three reasons.

The first is a question of conformity with the spirit of the law. Section 801, paragraph (5) of Public Law 80-402, the "United States Information and Educational Exchange Act of 1948", prevents the Voice of America from hiring Mr. Badua on a permanent basis in the United States. There is an exception for translators, but since Mr. Badua is not a translator but a skilled radio technician, he does not qualify. So the State Department has nominally hired him in the Phillipines and placed him on temporary duty—called TDY—in the United States. Now as you know, TDY is supposed to be used for periods of six months or less. Mr. Badua has been on TDY for 18 months, and the State Department wants him so badly it will keep

him on TDY for 5 years if necessary. This is not technically illegal, but it certainly is a situation to be avoided if possible.

The second reason is financial. The position Mr. Badua now holds pays about \$17,600 per year to a full-time permanent employee. Mr. Badua cannot get this salary as long as he is not a U.S. citizen. He is paid at the Filipino salary scale of \$2000, plus \$25 per diem which equals about \$9200, bringing his total salary to about \$11,200.

While \$11,000 is a severe cut from \$17,000 I should also point out that he receives retirement credit only for his \$2000 basic salary; to a 50-year-old man, this is a significant problem. Finally, he and his family have no hospitalization or other benefits, and cannot have them unless he becomes a full-time employee by virtue of citizenship.

The third and most compelling reason is one of justice and equity. Mr. Badua has demonstrated his loyalty and his worth. He has earned his citizenship in a way few if any of us can match.

He has undergone great hardship, deprivation, and risk of life in the service of the United States. Unfortunately, he did not do so while in the uniform of the United States. If he had served his time as a steward in the Navy instead of with VOA, he would be a citizen today.

We give this opportunity to aliens who serve in our armed forces because we say if someone wants to risk his or her life for the United States, that person thereby should have the opportunity to become part of the United States. But the fact is that many of his countrymen have been asked to do nothing more heroic than making coffee for an admiral and buttering toast for a Congressional visitor. In contrast, Mr. Badua as a prisoner of war has endured the most severe circumstances. He did so in the service of the United States, willingly and ungrudgingly. Are we now, because of a quirk in the law that places military routine above civilian heroism, to begrudge him the citizenship he deserves?

In concluding, I will deal with the various technical objections which have been raised against this bill at one time or another.

First, it has been suggested that Mr. Badua's TDY status is a result of State Department regulation rather than of law, and that it is up to the Department to waive its own regulations. As I explained a few minutes ago and as Section 80, paragraph (5) of Public Law 80-402, the "United States Information and Educational Exchange Act of 1948" will show, this is not correct. Unfortunately, the law is very clear on this point: Mr. Badua cannot become a permanent employee in the U.S. until he becomes a citizen.

Second, it has been suggested that passage of this bill would set a precedent which would give one or another group of people claim to similar treatment. This is not true, and in order to demonstrate it is not true, let me quickly list the factors which make the Badua case unique:

(1) Mr. Badua is a third-country national, who was sent into the Indochina danger zone as part of his service to the United States. Therefore, this bill does not set a precedent for any Vietnamese refugees who desire citizenship.

(2) Mr. Badua served five years in a North Vietnamese prison camp. This is a critical point to which I hope the Subcommittee will give its closest attention: It is not necessary simply to grant Mr. Badua citizen-

ship as a reward for his service and heroism. On the contrary, I ask that Mr. Badua be granted *credit* for his five years' imprisonment toward fulfillment of the five-year residency requirement. I ask that five years of heroism in the Hanoi Hilton be considered equivalent to five years tending transformers in California. Surely this is a modest but eminently equitable request. And to re-iterate: This distinction is critical.

I understand, for example that there is some concern over a citizenship bill in the Senate in behalf of a woman from Hong Kong who is a longtime State Department employee. I understand there is concern that H.R. 2776, if passed, might come back with the other bill attached to it. But if H.R. 2776 were to grant Mr. Badua credit for his prison time rather than simply waiving residency requirements, this problem would not arise.

(3) Mr. Badua behaved with extreme heroism while in the service of the United States, and saved the lives of American officials at risk to his own. There is precedent for citizenship based on merit—consider the Winston Churchill case—and perhaps the Committee would want to include this in its rationale.

Third, it is said that waiving all residency requirements has not been done since 1953, when it was done in three cases at the instance of the CIA.

As I have pointed out, this I am not requesting that residency requirements be waived; I am asking that Mr. Badua receive credit for his time incarcerated. But in addition, Mr. Chairman, I think we both understand that the question on this or any other piece of legislation is not whether it has been done in the past ten years, but whether it should be done now. If we were to confine our activities to what has been done before, we would all be living in caves.

Finally, it is said, in effect, that Mr. Badua got his reward in the form of his special immigrant status, and that citizenship would now give him a "double dip" he doesn't deserve. I have saved this point for last because I understand it is the one which troubles some of the members of the Subcommittee the most at this time.

I believe the objection is based on a misunderstanding. There are two distinct circumstances: one justifies special immigrant status; the other justifies citizenship.

I call your attention to two letters in your files: One, dated July 8, 1974, is to Chairman Rodino from Linwood Holton, the State Department's Assistant Secretary for Congressional Relations. The second, dated July 24, 1974, is to Chairman Eilberg from James Keogh, the Director of USIA. As you know, both endorse Mr. Badua's case in the strongest terms. But I mention them now for the specific purpose of citing the explanation given by the State Department for Mr. Badua's immigrant status. I quote now from the two letters, which use identical language:

"In May 1973, our Ambassador to the Republic of the Philippines strongly recommended that Mr. Badua be granted special immigrant status because of his long and faithful service to this Government, his extended stay in an alien country besieged by war, and his courageous act of bravery in saving the life of an American official in Vietnam." Note that there is no mention of compensation for the time he spent in prison. Mr. Badua did not receive his special immigrant status as

compensation for the time he spent incarcerated. In fact, he has received no compensation for this time, other than the very warm and sincere thanks of the State Department.

So it is not a case, Mr. Chairman, of a double dip for a single act. On the contrary, Mr. Badua has been rewarded for long service to the government, for a long stay in a foreign country, and for personal courage. But he has not been compensated for his five years in the Hanoi Hilton. It is this inequity which I ask the Subcommittee to redress.

In summary, Mr. Chairman, this is a case of outstanding merit that sets no undesirable precedents and creates no insuperable legal problems. It does act to provide badly needed and very well-earned relief to a man who has slipped between the cracks of the American legal system, whose case is so unusual that the public laws do not do him justice. This is what private bills are for, and I urge the Subcommittee to give Mr. Badua's case its most careful and favorable consideration.

The Committee received numerous letters in support of this legislation which read, in part, as follows:

U.S. INFORMATION AGENCY,
Washington, D.C., April 1, 1975.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship and International Law, Judiciary Committee, House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE EILBERG: I am responsible for the submission of Special Bill HR-12449 (Relief of Candido Badua) by Representative Robert Leggett in the last session of Congress. Regrettably, this worthy bill never made it out of committee.

In this session of Congress, Representative Leggett has again introduced this bill as HR-2776 and from feed-back that I have received it may suffer the same fate as HR-12449. This would be deplorable especially in view of the circumstances which make HR-2776 so noteworthy.

Briefly, HR-2776, in effect, would permit Mr. Candido Badua, a Philippine National, to acquire U.S. citizenship without the five years of residence required by the Immigration and Nationality Act.

I feel that such action is justified in view of the personal sacrifices made by Mr. Badua between 1968 and 1973 when he was a captive of the North Vietnamese. Mr. Badua was captured in Hue during the 1968 TET offensive while assigned to the U.S. Information Agency, Voice of America station there. Mr. Badua's direct efforts saved the life of American U.S.I.A. employee Mr. Charles Willis. I think you will agree that sacrifice and heroism of this degree cannot and should not be ignored.

I expect to be in Washington between April 14 and 19, and would like very much to arrange a meeting either with you or another member of the sub-committee on Immigration, Citizenship and International Law to discuss in detail the merits of HR-2776.

I understand that this committee meets again on April 17, so if at all possible I would like to suggest the 15th or 16th as a date for the meeting.

I have listed my phone number for your convenience since there really is not a great deal of time for your reply by mail.

Respectfully,

CARLTON W. CLEVELAND,
 Manager, Dixon Relay Station,
 Voice of America, Dixon, Calif.

U.S. INFORMATION AGENCY,
 Washington, D.C., April 8, 1975.

HON. JOSHUA EILBERG,
 Chairman, Subcommittee on Immigration, Citizenship and International Law, House of Representatives.

DEAR MR. CHAIRMAN: H.R. 2776, introduced by the Honorable Robert L. Leggett for the relief of Candido Badua, was referred to the Committee on the Judiciary on February 4, 1975. The bill would waive the residence and physical presence requirements for Mr. Badua, if he is otherwise eligible for naturalization under the Immigration and Nationality Act.

The United States Information and Educational Exchange Act of 1948 expressly authorizes and restricts the hiring of foreign nationals by the Agency for "services related to the translation or narration of colloquial speech in foreign languages when suitably qualified United States citizens are not available . . ." (22 USC 1471 (5)).

Currently, the Agency's Voice of America has a vacancy for which Mr. Badua is extremely well qualified, and to which he has been assigned on a temporary basis for some time. This position does not, however, involve translation or narration of colloquial speech in a foreign language. The position requires expertise in the technical operation and maintenance of radio broadcast transmitting and receiving facilities.

Mr. Badua possesses this specialized expertise by virtue of his more than 20 years of service with the Voice of America in the Philippines and Viet Nam as a Transmitter and Receiver Operator and Maintenance Technician.

Mr. Badua possesses a high degree of devotion to the United States. This is evidenced by his continuing desire to work for the U.S. Information Agency, after having spent five years in a North Vietnamese prison camp as a direct result of his assignment to Hue, South Viet Nam for the U.S. Information Agency. It is evidenced also by his extraordinary act of bravery in saving the life of an American prisoner of war while in Viet Nam.

Only Congressional passage of H.R. 2776 would permit the Agency to hire Mr. Badua as a civil service or foreign service employee. The Agency urges that every favorable consideration be given to Mr. Badua during the Committee's review of H.R. 2776.

Your assistance in expediting the passage of this bill would be greatly appreciated.

Sincerely,

EDWARD HIDALGO,
 General Counsel and Congressional Liaison,

DEPARTMENT OF STATE,
 Washington, D.C., April 10, 1975.

HON. JOSHUA EILBERG,
 Chairman, Subcommittee on Immigration, Citizenship, and International Law, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I'm writing in support of H.R. 2776, introduced by Representative Robert L. Leggett for the relief of Candido Badua, a Philippine national employed by the United States Information Agency who was captured and held with American POW's in North Vietnam from 1968-1973. The purpose of the bill is to make possible Mr. Badua's immediate naturalization as an American citizen—something that Mr. Badua strongly desires and which we support in view of his courageous efforts to assist American prisoners of war during their period of captivity.

Citizenship for Mr. Badua is a matter of special urgency because of provisions of Public Law 80-402 which prevent the USIA from hiring a foreign national in any position other than one requiring "translation and narration of colloquial speech in foreign languages". Mr. Badua is in this country working for USIA on a temporary basis as a technician doing skilled maintenance of radio broadcast facilities. Although the USIA would like to hire him on a permanent basis, it cannot do so under existing law since Mr. Badua's work does not involve "translation or narration of colloquial speech in a foreign language".

It has been over two years since Mr. Badua's release from captivity in Hanoi. The Americans held with him have told us repeatedly of their high regard for him and their urgent hope that he would qualify for citizenship through private legislation. In 1973, shortly after his return, Mr. Badua was honored at the State Department by a Tribute of Appreciation conferred by the Acting Secretary of State. In light of the special and unusual circumstances of this case, the Department of State hopes that Congressional approval of H.R. 2776 can be accomplished at the earliest possible date.

I hope you will let me know if we can be of further assistance on this subject.

Sincerely,

ROBERT J. McCLOSKEY,
 Assistant Secretary for Congressional Relations.

DEPARTMENT OF STATE,
 Washington, D.C., July 8, 1975.

HON. PETER W. RODINO, JR.,
 Chairman, Committee on the Judiciary, House of Representatives,
 Washington, D.C.

DEAR MR. CHAIRMAN: I am writing with regard to H.R. 2776, which would make possible early citizenship for Candido Badua, a Philippine employee of the United States Information Agency who was held as a prisoner of war with our men in North Vietnam from 1968-73. The Immigration Subcommittee approved this bill on June 10, and I understand it is to be considered at an early meeting of your full

Committee. We at the State Department urge your support for this bill and hope that favorable action on it will be taken soon.

Mr. Badua's fellow prisoners in Hanoi have told of his heroism in captivity and his many actions to aid Americans who were captured and held with him, often at great personal risk. Rarely, if ever, has a man so convincingly demonstrated in advance his loyalty to the U.S. and his readiness to work for and support American ideals.

It has been well over two years since Mr. Badua's release from captivity, and he is presently serving on temporary duty at a Voice of America broadcast relay station in California. According to his supervisors, he is superbly qualified for that position. Under PL 80-402, however, U.S. citizenship is essential for Mr. Badua to hold that position on a permanent basis. That is why early approval of this bill is a matter of urgent necessity.

Mr. Badua's case is clearly different from the recent Indochina refugees, in that Mr. Badua was a long-time employee of USIA, held for over five years as a POW in North Vietnam, for whom U.S. citizenship is essential for permanent employment in the U.S. with the USIA.

I enclose copies of letters in support of this bill from some of the American POW's held with Mr. Badua. Their letters speak eloquently of Mr. Badua's heroism at risk of life in his actions to help his fellow prisoners.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary for Congressional Relations.

MARCH 22, 1974.

HON. ROBERT L. LEGGETT,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN LEGGETT: I write first to express my respect and admiration for your humanitarian spirit in sponsoring H.R. 12449, the private citizenship bill for Mr. Candido Badua from the Philippines, and second to testify to his outstanding qualifications to become an American citizen.

Mr. Badua was captured by the Viet Cong in Hue, South Vietnam at the same time I was in the Tet offensive of early 1968. We were taken north in the same group of prisoners shortly thereafter and were in the same prison camps most of the time until our release from Hanoi in March, 1973. During our march north he shared his own near-starvation rations with other American POWs, literally carried me or others on his back when we were unable to walk, made innumerable personal sacrifices to assist and encourage other Americans under the most soul-trying and body-weakening conditions. Mr. Badua's personal calm and constant readiness to help his fellow prisoners were invaluable to all of us. Mr. Badua, by his exemplary personal behavior and his complete, unwavering loyalty to the principles for which our country stands, earned the total and undying respect of every single American prisoner who knew him.

During the final stage of our captivity in Hanoi when Mr. Badua was able to speak openly of his cherished dream to become an American citizen, not only I but all the other prisoners who knew him endorsed and welcomed his hope.

I believe that our country owes a real debt of gratitude to Mr. Badua for his sacrifices in service to the U.S. Government, his totally unselfish aid to the U.S. prisoners and his devotion to the best ideals of our country. I would be proud to welcome him as a fellow American citizen, and I wish your bill on his behalf Godspeed and success.

Sincerely yours,

PHILIP W. MANHARD, *Ambassador.*

GREENVILLE, N.C.,
April 25, 1975.

HON. JOSHUA EILBERG,
House of Representatives, Washington, D.C.

DEAR SIR: It is my understanding that a Personal Bill #H-2776 will be presented regarding American citizenship for Mr. Candido Badua, a Philippino national held with me as a prisoner of war by the North Vietnamese from 1968 to 1973.

I wish to make a personal appeal for your assistance in this matter. I feel this would be one way to help repay him for the acts of courage he performed in my behalf and for other Americans who were fortunate enough to be in his company during our capture and incarceration.

Mr. Badua has indicated his strong desire to become an American Citizen, and in view of the great personal sacrifice made by Mr. Badua in our behalf, I believe it to be appropriate to offer him any assistance possible to obtain citizenship.

As an example of Mr. Badua's courage, I would like to recite an incident which occurred three days after our capture. Mr. Badua intervened at the risk of his own life when our captors threatened to shoot me. He stepped between me and the guerrilla guard whose intent was to kill me rather than leave me on the trail as I had fallen from exhaustion and was unable to walk further due to my injuries. Mr. Badua managed to pull me to my feet and with my hands on his shoulders this much smaller man tugged and pulled me for several miles until we both dropped from exhaustion. We were now out of the "hit" zone and were allowed to rest. I credit him with saving my life.

Another incident I would like to relate concerned the death and burial of Mr. Tom Ragsdale, U.S. Agricultural adviser for A.I.D. Mr. Ragsdale was killed during a bombing and strafing incident by the Americans while we were being marched through the jungle on our way to North Vietnam. We buried Tom in a grave in the jungle which was dug with our rice bowls. After a short funeral service participated in by each of the prisoners, Mr. Badua asked a guard for a bolo knife which he used to cut down a small tree and fashion a cross. On the face he carved "Tom Ragsdale, U.S. Agricultural Adviser. March 13, 1968". This act was responsible for the grave being found and Mr. Ragsdale's family subsequently being advised of his death.

plement the prisoners' diet, and his ability with the Vietnamese language was very useful and undoubtedly alleviated much suffering.

Mr. Badua has given outstanding service for over twenty years with the Voice of America. He has given high-caliber performance

Mr. Badua's knowledge of edible plants found on the trail to sup-
in a complex specialized field and given outstanding service in the
American cause. It would seem appropriate and just for Mr. Badua
to acquire the American citizenship he so desires and fully deserves.

I can think of no one I would rather call a fellow citizen than my
friend "Pop" Badua.

Sincerely,

CHARLES E. WILLIS,
*Radio Engineer/Voice of America,
Greenville, N.C.*

ROCKVILLE, MD., April 24, 1975.

Hon. JOSHUA EILBERG,
*Chairman, Subcommittee on Immigration, Citizenship and Interna-
tional Law, House of Representatives, Washington, D.C.*

DEAR MR. EILBERG: In the recent Vietnam Conflict, some men were
called upon to make very heavy sacrifices. As an American Soldier,
I was bound by the Code of Conduct to perform in a certain manner
while a prisoner of war. So I seek no accolades though my country
has welcomed my return as a hero. However, there is one individual
who is not American, yet who bound himself to me and other Ameri-
can POWs, thereby enduring great hardship, and conducted himself
constantly in a manner which can only be expressed as laudatory and
exemplary.

Candido Badua, known affectionately as "Pop" to his fellow pris-
oners, was an inspiration and guide to us all. In particular, his knowl-
edge and willingness to help while on the long, arduous trail to Hanoi
was of great service to myself and other Americans who, even under
better circumstances, would have found it difficult to survive and cope
with the situation. His incarceration was marked by his unselfish-
ness and cooperation with American prisoners. In short, he served
America during his captivity a lot better than some Americans, even
military, though himself a Filipino civilian employee.

Recently I learned that "Pop" has applied for U.S. Citizenship and
because of a law he is experiencing some difficulty in obtaining it.
Having been a prisoner myself for 5 years, 2 months, I can personally
attest to the fact that the United States should be proud to count
"Pop" among its citizens.

I've been told that a special bill has been formulated, H.R. 2776, and
that it is now before your subcommittee. The United States of America
owes a debt to Candido Badua, and while I personally feel that we can
never fully repay him, you can in a small way offset this debt by giving
your favorable and expeditious attention to this bill. If you fail to do
so, you will have committed a great injustice to a man who has served
our country honorably at great expense to himself.

I respectfully request your prompt consideration in this matter. I
would be most willing to appear before your committee to attest to
Mr. Badua's complete loyalty to the United States of America.

Sincerely yours,

DONALD J. RANDER,
Warrant Officer, U.S. Army.

BUDGETARY INFORMATION

This legislation does not provide new budget authority and no
estimate or comparison has been received from the Director of the
Congressional Budget Office.

OVERSIGHT STATEMENT

The Committee exercises general oversight jurisdiction with respect
to all immigration and nationality matters but no specific oversight is
contemplated in this instance.

Upon consideration of all the facts in this case, the Committee is of
the opinion that H.R. 2776 should be enacted and accordingly recom-
mends that the bill do pass.

○

CANDIDO BADUA

MAY 6, 1976.—Ordered to be printed

MR. EASTLAND, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.R. 2776]

The Committee on the Judiciary, to which was referred the bill (H.R. 2776), for the relief of Candido Badua, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

STATEMENT OF FACTS

The beneficiary of the bill is a 51-year-old native and citizen of the Philippines who currently resides in San Francisco, Calif. with his wife and five children. He entered the United States as a permanent resident on August 31, 1973. He has been employed with the U.S. Information Agency, Voice of America, since 1953. In 1968, while employed with the Voice of America in Hue, South Vietnam, the beneficiary was taken captive by the Vietcong and held prisoner of war until March 5, 1973. He has received numerous letters of commendation in connection with his service in Vietnam.

A letter, with attached memorandum, dated July 8, 1974 to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization refers to H.R. 12449, a similar bill, introduced in the 93d Congress. The information reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., July 8, 1974.

HON. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 12449) for the relief of Candido Badua, there is attached a memorandum of information concerning the beneficiary.

The bill would waive a portion of the residence and physical presence requirements of the Immigration and Nationality Act for naturalization and permit the beneficiary to be naturalized at any time after the date of its enactment, if he is otherwise eligible for naturalization under that act.

Sincerely,

LEONARD F. CHAPMAN, *Commissioner.*

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE H.R. 12449

The beneficiary, Candido Badua, a native and citizen of the Philippines, was born on June 12, 1924. He resides in San Francisco, Calif., with his wife and five children and maintains a temporary residence in Dixon, Calif. His father is deceased. His mother and two brothers reside in the Philippines. He has a sister who is a lawful permanent resident of the United States and resides in Honolulu, Hawaii. Mr. Badua is a high school graduate and, additionally, has received degrees in electronic engineering technology and transistor theory and applications through correspondence courses. Mr. Badua is, and has been since 1953, employed with the U.S. Information Agency, Voice of America. He is a radio engineer and is presently on temporary assignment with the Dixon Relay Station, Dixon, Calif. Since he is still officially assigned to the Philippine Relay Station, Mr. Badua receives the wages paid a radio engineer in the Philippines, amounting to about \$3,000 per year; however, he is receiving a per diem allowance of \$25 per day while on temporary assignment. Mr. Badua owns property valued in excess of \$37,000 in the Philippines.

Mr. Badua, while employed with Voice of America in Hue, South Vietnam, was taken captive by the Vietcong during the 1968 Tet offensive and was held prisoner of war until March 5, 1973. Mr. Badua received a letter of appreciation from President Nixon for his heroism in saving the life of Mr. Charles Willis of the U.S. Information Agency subsequent to their capture. He also received a certificate of appreciation from the United States Department of State.

Mr. Badua entered this country as a permanent resident on August 31, 1973. His wife and five children were admitted to the United States as permanent residents on November 5, 1973.

Mr. Badua stated that he desires to become a U.S. citizen because he has a strong attachment and affection for this country. He feels that the 5-year period he spent as a prisoner of war should fulfill the 5-year residency requirement of the Immigration and Nationality Act. Absent enactment of the bill, Mr. Badua will not be eligible to file a petition for naturalization until approximately September 1978 if he remains in the United States.

A supplemental report dated June 13, 1975 to the chairman of the Committee on the Judiciary of the House of Representatives from the then Acting Commissioner of Immigration and Naturalization with reference to the instant bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., June 13, 1975.

HON. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This refers to H.R. 2776 in behalf of Candido Badua, who was also the beneficiary of H.R. 12447, 93rd Congress.

The beneficiary's 23-year-old single daughter, Teresita Bucsit Badua, was admitted to the United States in 1974, as a permanent resident alien and is currently stationed at Fort Meade, Md., as a member of the U.S. Army.

Mrs. Josephine Tyler, Administrative Officer, U.S. Information Agency, Voice of America, Washington, D.C., advised that if adverse action on the bill is taken and subject does not naturalize in the near future his position would most likely be terminated as the Agency does not have legal authority to continue his employment on a temporary basis. She further stated that although Mr. Badua is extremely well qualified for this position there are other persons available who could perform like services to a lesser degree of proficiency.

Sincerely,

JAMES F. GREENE, *Acting Commissioner.*

A letter dated July 8, 1974 to the chairman of the Committee on the Judiciary of the House of Representatives from the then Assistant Secretary for Congressional Relations reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., July 8, 1974.

HON. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for a report concerning the case of Candido Badua, beneficiary of H.R. 12449, 93d Congress.

The bill would waive the residence and physical presence requirements for the beneficiary's naturalization if he is otherwise eligible for naturalization under the Immigration and Nationality Act.

The beneficiary was born on June 12, 1924, in the Philippines. He has been employed by the Department of State and the U.S. Informa-

tion Agency for more than 20 years, beginning in May 1953. He began his employment as a radio technician with the Department in the Philippines and held that position until he transferred to the U.S. Information Service (Voice of America at Hue, Vietnam in December 1964. During the Tet offensive on Hue in January 1968, while the beneficiary was working as a shift supervisor, he was captured by the Vietcong and imprisoned at Hanoi, North Vietnam. He was released in March 1973 and returned to the Philippines, where he resumed his employment with the USIA. He is a transmitter and receiver operator and maintenance technician.

The beneficiary applied for special immigrant status under section 101(a) (27) (E) of the act as an employee of the U.S. Government. In May 1973 our Ambassador at Manila strongly recommended that Mr. Badua be granted special immigrant status because of his long and faithful service to this Government, his extended stay in an alien country besieged by war, and his courageous act of bravery in saving the life of an American official in Vietnam. In view of his service under exceptional circumstances, the Department concurred in the Ambassador's recommendation.

Mr. Badua, his wife, and three children were issued special immigrant visas after they were found qualified in all respects. His adult daughter, Teresita, was issued a second preference immigrant visa following his admission to the United States for permanent residence.

Enclosed for the committee's information is a copy of a Presidential letter of appreciation addressed to the beneficiary on April 19, 1973.

At present, Mr. Candido Badua is a Foreign Service local employee of the U.S. Information Service, Philippines Relay Station, on TDY at the Dixon Relay Station, Dixon, Calif. Mr. Badua does not intend to return to the Philippines, and has stated his intent to remain in the United States and obtain his citizenship. In view of this decision, the Voice of American is very much interested in continuing Mr. Badua's services on a full-time permanent civil service on Foreign Service appointment.

There is presently a vacancy for a qualified transmitter and receiver operator and maintenance technician at the USIA Dixon Relay Station. Mr. Badua, has been filling this position on a TDY basis for the past 8 months, during which time he has demonstrated that he is extremely well qualified to fill the position. Legal restrictions, however, do not permit the appointment of noncitizens to positions within the competitive civil service or the Foreign Service. Citizenship is therefore essential if the U.S. Information Agency is to appoint Mr. Badua on a full-time permanent basis in the United States.

To further add to the Agency's desire to assist Mr. Badua in his effort to obtain immediate citizenship and U.S. Government employment, is the fact that Mr. Badua spent 5 years in a Vietcong prison camp as a direct result of his employment with the U.S. Information Service in Hue, Vietnam. Mr. Badua's desire to immigrate to the United States after such a grueling experience, along with his desire to continue to work for the U.S. Information Agency certainly indicates his high degree of loyalty and devotion to the United States.

This devotion, coupled with his technical abilities and the Agency's desire to employ him, is the basis for the Agency's strong support of the private bill on his behalf.

Cordially,

LINWOOD HOLTON,
Assistant Secretary for Congressional Relations.

Enclosure: Presidential letter of appreciation.

THE WHITE HOUSE,
Washington, April 19, 1973.

MR. CANDIDO BADUA,
*Care of the American Embassy,
Manila.*

DEAR MR. BADUA: The return of prisoners of war from Southeast Asia has brought with it a number of accounts of outstanding personal courage and self-sacrifice on behalf of fellow captives. Charles Willis of the United States Information Agency has told a story of that kind, and the courage and self-sacrifice he has described are yours.

During the 1968 Tet attack on Hue, Mr. Willis sustained injuries that could have cost him his life, not only because of their seriousness, but also because your captors would have simply shot him had he delayed your march northward to imprisonment. But, as he tells the story, "Pop" Badua crawled under him and carried him for most of a day—a remarkable act which clearly saved his life.

I know I speak for all the American people in saying that we are deeply grateful to you for what you did. And we are especially proud that you have chosen to continue working for the United States Government. On this occasion, as the members of the American Embassy in Manila honor you, it is a great pleasure for me to join with them in expressing my heartfelt appreciation for your heroism and my warmest best wishes for the years ahead.

Sincerely,

RICHARD NIXON.

Congressman Robert L. Leggett, the author of the bill, appeared before a subcommittee of the House Committee on the Judiciary and testified in support of this legislation:

REMARKS OF HON. ROBERT L. LEGGETT, BEFORE THE SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, AND INTERNATIONAL LAW OF THE HOUSE COMMITTEE ON THE JUDICIARY

Chairman Eilberg and members of the Immigration Subcommittee, this morning I am testifying in behalf of H.R. 2776, which without hyperbole is the most deserving private bill of my 12 years' congressional service. These are the facts of the case:

Mr. Candido Badua, the beneficiary of this bill, is a Philippine national, born in the Philippine Islands 50 years ago. He has been employed by the Voice of America continuously since May of

1953: 22 years ago. Voice of America sent him to Hue in December 1964 and stationed him there as a shift supervisor. On January 31, 1968, during the Tet offensive, he was captured by the Vietcong together with several other employees including his supervisor, Charles E. Willis, and Philip W. Manhard who is now our Ambassador to Mauritius. The prisoners were ordered to march north to the Hanoi area.

Three days after their capture, the prisoners and their guards were under U.S. air attack. You have in your file a letter from Charles Willis describing how Mr. Badua saved his life at that time. I will read very briefly from Mr. Willis' account:

"* * * three days after our capture * * * Mr. Badua intervened at the risk of his own life when our captors threatened to shoot me. He stepped between me and the guerrilla guard whose intent was to kill me rather than leave me on the trail as I had fallen from exhaustion and was unable to walk further due to my injuries. Mr. Badua managed to pull me to my feet and with my hands on his shoulders this much smaller man tugged and pulled me for several miles until we both dropped from exhaustion. We were now out of the "hit" zone and were allowed to rest. I credit him with saving my life."

Ambassador Manhard has provided me with further testimony to Mr. Badua's dedication and steadfastness, describing Mr. Badua's behavior in this way:

"During our march north he shared his own near-starvation rations with other American prisoners of war, literally carried me or others on his back when we were unable to walk, made innumerable personal sacrifices to assist and encourage other Americans under the most soul-trying and body-weakening conditions. Mr. Badua's personal calm and constant readiness to help his fellow prisoners were invaluable to all of us. Mr. Badua, by his exemplary personal behavior and his complete, unwavering loyalty to the principles for which our country stands, earned the total and undying respect of every single American prisoner who knew him."

Mr. Badua was released by the North Vietnamese in early 1973, and on August 31 of that year he entered the United States under special immigrant status. He is now employed by the Voice of America at the Dixon Relay Station at Dixon, Calif., in the district which I represent. He is doing excellent work, as is certified by the numerous testimonials from his supervisors which you have in your file. His employment prospects are secure.

But he is not a U.S. citizen, and unless this bill passes he cannot become one until he has completed his 5-year residency requirement in September 1978.

Why does he desire citizenship sooner? Why have I introduced this bill? There are three reasons.

The first is a question of conformity with the spirit of the law. Section 801, paragraph (5) of Public Law 80-402, the United States Information and Educational Exchange Act of

1948, prevents the Voice of America from hiring Mr. Badua on a permanent basis in the United States. There is an exception for translators, but since Mr. Badua is not a translator but a skilled radio technician, he does not qualify. So the State Department has nominally hired him in the Philippines and placed him on temporary duty—called TDY—in the United States. Now as you know, TDY is supposed to be used for periods of 6 months or less. Mr. Badua has been on TDY for 18 months, and the State Department wants him so badly it will keep him on TDY for 5 years if necessary. This is not technically illegal, but it certainly is a situation to be avoided if possible.

The second reason is financial. The position Mr. Badua now holds pays about \$17,600 per year to a full-time permanent employee. Mr. Badua cannot get this salary as long as he is not a U.S. citizen. He is paid at the Filipino salary scale of \$2,000, plus \$25 per diem which equals about \$9,200, bringing his total salary to about \$11,200.

While \$11,000 is a severe cut from \$17,000 I should also point out that he receives retirement credit only for his \$2,000 basic salary; to a 50-year-old man, this is a significant problem. Finally, he and his family have no hospitalization or other benefits, and cannot have them unless he becomes a full-time employee by virtue of citizenship.

The third and most compelling reason is one of justice and equity. Mr. Badua has demonstrated his loyalty and his worth. He has earned his citizenship in a way few if any of us can match.

He has undergone great hardship, deprivation, and risk of life in the service of the United States. Unfortunately, he did not do so while in the uniform of the United States. If he had served his time as a steward in the Navy instead of with VOA, he would be a citizen today.

We give this opportunity to aliens who serve in our Armed Forces because we say if someone wants to risk his or her life for the United States, that person thereby should have the opportunity to become part of the United States. But the fact is that many of his countrymen have been asked to do nothing more heroic than making coffee for an admiral and buttering toast for a congressional visitor. In contrast, Mr. Badua as a prisoner of war has endured the most severe circumstances. He did so in the service of the United States, willingly and ungrudgingly. Are we now, because of a quirk in the law that places military routine above civilian heroism, to begrudge him the citizenship he deserves?

In concluding, I will deal with the various technical objections which have been raised against this bill at one time or another.

First, it has been suggested that Mr. Badua's TDY status is a result of State Department regulation rather than of law, and that it is up to the Department to waive its own regulations. As I explained a few minutes ago and as section 80, paragraph (5) of Public Law 80-402, the United States In-

formation and Educational Exchange Act of 1948 will show, this is not correct. Unfortunately, the law is very clear on this point: Mr. Badua cannot become a permanent employee in the United States until he becomes a citizen.

Second, it has been suggested that passage of this bill would set a precedent which would give one or another group of people claim to similar treatment. This is not true, and in order to demonstrate it is not true, let me quickly list the factors which make the Badua case unique:

(1) Mr. Badua is a third-country national, who was sent into the Indochina danger zone as part of his service to the United States. Therefore, this bill does not set a precedent for any Vietnamese refugees who desire citizenship.

(2) Mr. Badua served 5 years in a North Vietnamese prison camp. This is a critical point to which I hope the Subcommittee will give its closest attention: It is not necessary simply to grant Mr. Badua citizenship as a reward for his service and heroism. On the contrary, I ask that Mr. Badua be granted credit for his 5 years' imprisonment toward fulfillment of the 5-year residency requirement. I ask that 5 years of heroism in the Hanoi Hilton be considered equivalent to 5 years tending transformers in California. Surely this is a modest but eminently equitable request. And to reiterate: This distinction is critical.

I understand, for example that there is some concern over a citizenship bill in the Senate in behalf of a woman from Hong Kong who is a longtime State Department employee. I understand there is concern that H.R. 2776, if passed, might come back with the other bill attached to it. But if H.R. 2776 were to grant Mr. Badua credit for his prison time rather than simply waiving residency requirements, this problem would not arise.

(3) Mr. Badua behaved with extreme heroism while in the service of the United States, and saved the lives of American officials at risk to his own. There is precedent for citizenship based on merit—consider the Winston Churchill case—and perhaps the committee would want to include this in its rationale.

Third, it is said that waiving all residency requirements has not been done since 1953, when it was done in three cases at the instance of the CIA.

As I have pointed out, I am not requesting that residency requirements be waived; I am asking that Mr. Badua receive credit for his time incarcerated. But in addition, Mr. Chairman, I think we both understand that the question on this or any other piece of legislation is not whether it has been done in the past 10 years, but whether it should be done now. If we were to confine our activities to what has been done before, we would all be living in caves.

Finally, it is said, in effect, that Mr. Badua got his reward in the form of his special immigrant status, and that citizenship would now give him a "double dip" he doesn't deserve. I have saved this point for last because I understand it is the

one which troubles some of the members of the subcommittee the most at this time.

I believe the objection is based on a misunderstanding. There are two distinct circumstances: one justifies special immigrant status; the other justifies citizenship.

I call your attention to two letters in your files: One, dated July 8, 1974, is to Chairman Rodino from Linwood Holton, the State Department's Assistant Secretary for Congressional Relations. The second, dated July 24, 1974, is to Chairman Eilberg from James Keogh, the Director of USIA. As you know, both endorse Mr. Badua's case in the strongest terms. But I mention them now for the specific purpose of citing the explanation given by the State Department for Mr. Badua's immigrant status. I quote now from the two letters, which use identical language:

"In May 1973, our Ambassador to the Republic of the Philippines strongly recommended that Mr. Badua be granted special immigrant status because of his long and faithful service to this Government, his extended stay in an alien country besieged by war, and his courageous act of bravery in saving the life of an American official in Vietnam." Note that there is no mention of compensation for the time he spent in prison. Mr. Badua did not receive his special immigrant status as compensation for the time he spent incarcerated. In fact, he has received no compensation for this time, other than the very warm and sincere thanks of the State Department.

So it is not a case, Mr. Chairman, of a "double dip" for a single act. On the contrary, Mr. Badua has been rewarded for long service to the Government, for a long stay in a foreign country, and for personal courage. But he has not been compensated for his 5 years in the Hanoi Hilton. It is this inequity which I ask the subcommittee to redress.

In summary, Mr. Chairman, this is a case of outstanding merit that sets no undesirable precedents and creates no insuperable legal problems. It does act to provide badly needed and very well-earned relief to a man who has slipped between the cracks of the American legal system, whose case is so unusual that the public laws do not do him justice. This is what private bills are for, and I urge the subcommittee to give Mr. Badua's case its most careful and favorable consideration.

The House Judiciary Committee received numerous letters in support of this legislation. Examples read as follows:

U.S. INFORMATION AGENCY,
Washington, D.C., April 1, 1975.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship and International Law, Judiciary Committee, House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE EILBERG: I am responsible for the submission of special bill H.R. 12449 (relief of Candido Badua) by Repre-

sentative Robert Leggett in the last session of Congress. Regrettably, this worthy bill never made it out of committee.

In this session of Congress, Representative Leggett has again introduced this bill as H.R. 2776 and from feedback that I have received it may suffer the same fate as H.R. 12449. This would be deplorable especially in view of the circumstances which made H.R. 2776 so noteworthy.

Briefly, H.R. 2776, in effect, would permit Mr. Candido Badua, a Philippine national, to acquire U.S. citizenship without the 5 years of residence required by the Immigration and Nationality Act.

I feel that such action is justified in view of the personal sacrifices made by Mr. Badua between 1968 and 1973 when he was a captive of the North Vietnamese. Mr. Badua was captured in Hue during the 1968 Tet offensive while assigned to the U.S. Information Agency, Voice of America, station there. Mr. Badua's direct efforts saved the life of American USIA employee Mr. Charles Willis. I think you will agree that sacrifice and heroism of this degree cannot and should not be ignored.

I expect to be in Washington between April 14 and 19, and would like very much to arrange a meeting either with you or another member of the Subcommittee on Immigration, Citizenship and International Law to discuss in detail the merits of H.R. 2776.

I understand that this committee meets again on April 17, so if at all possible I would like to suggest the 15th or 16th as a date for the meeting.

I have listed my phone number for your convenience since there really is not a great deal of time for your reply by mail.

Respectfully,

CARLTON W. CLEVELAND,
Manager, Dixon Relay Station,
Voice of America, Dixon, Calif.

U.S. INFORMATION AGENCY,
Washington, D.C., April 8, 1975.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship and International Law, House of Representatives.

DEAR MR. CHAIRMAN: H.R. 2776, introduced by the Honorable Robert L. Leggett for the relief of Candido Badua, was referred to the Committee on the Judiciary on February 4, 1975. The bill would waive the residence and physical presence requirements for Mr. Badua, if he is otherwise eligible for naturalization under the Immigration and Nationality Act.

The United States Information and Educational Exchange Act of 1948 expressly authorizes and restricts the hiring of foreign nationals by the Agency for "services related to the translation or narration of colloquial speech in foreign languages when suitably qualified United States citizens are not available * * *" (22 U.S.C. 1471(5)).

Currently, the Agency's Voice of America has a vacancy for which Mr. Badua is extremely well qualified, and to which he has been assigned on a temporary basis for some time. This position does not,

however, involve translation or narration of colloquial speech in a foreign language. The position requires expertise in the technical operation and maintenance of radio broadcast transmitting and receiving facilities.

Mr. Badua possesses this specialized expertise by virtue of his more than 20 years of service with the Voice of America in the Philippines and Vietnam as a transmitter and receiver operator and maintenance technician.

Mr. Badua possesses a high degree of devotion to the United States. This is evidenced by his continuing desire to work for the U.S. Information Agency, after having spent 5 years in a North Vietnamese prison camp as a direct result of his assignment to Hue, South Vietnam for the U.S. Information Agency. It is evidenced also by his extraordinary act of bravery in saving the life of an American prisoner of war while in Vietnam.

Only congressional passage of H.R. 2776 would permit the Agency to hire Mr. Badua as a civil service or foreign service employee. The Agency urges that every favorable consideration be given to Mr. Badua during the committee's review of H.R. 2776.

Your assistance in expediting the passage of this bill would be greatly appreciated.

Sincerely,

EDWARD HIDALGO,
General Counsel and Congressional Liaison.

DEPARTMENT OF STATE,
Washington, D.C., April 10, 1975.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship and International Law, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing in support of H.R. 2776, introduced by Representative Robert L. Leggett for the relief of Candido Badua, a Philippine national employed by the U.S. Information Agency who was captured and held with American POW's in North Vietnam from 1968 to 1973. The purpose of the bill is to make possible Mr. Badua's immediate naturalization as an American citizen; something that Mr. Badua strongly desires and which we support in view of his courageous efforts to assist American prisoners of war during their period of captivity.

Citizenship for Mr. Badua is a matter of special urgency because of provisions of Public Law 80-402 which prevent the USIA from hiring a foreign national in any position other than one requiring "translation and narration of colloquial speech in foreign languages". Mr. Badua is in this country working for USIA on a temporary basis as a technician doing skilled maintenance of radio broadcast facilities. Although the USIA would like to hire him on a permanent basis, it cannot do so under existing law since Mr. Badua's work does not involve "translation or narration of colloquial speech in a foreign language".

It has been over 2 years since Mr. Badua's release from captivity in Hanoi. The Americans held with him have told us repeatedly of their high regard for him and their urgent hope that he would qualify for citizenship through private legislation. In 1973, shortly after his return, Mr. Badua was honored at the State Department by a tribute of appreciation conferred by the Acting Secretary of State. In light of the special and unusual circumstances of this case, the Department of State hopes that congressional approval of H.R. 2776 can be accomplished at the earliest possible date.

I hope you will let me know if we can be of further assistance on this subject.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary for Congressional Relations.

DEPARTMENT OF STATE,
Washington, D.C., July 8, 1975.

HON. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: I am writing with regard to H.R. 2776, which would make possible early citizenship for Candido Badua, a Philippine employee of the U.S. Information Agency who was held as a prisoner of war with our men in North Vietnam from 1968 to 1973. The Immigration Subcommittee approved this bill on June 10, and I understand it is to be considered at an early meeting of your full committee. We at the State Department urge your support for this bill and hope that favorable action on it will be taken soon.

Mr. Badua's fellow prisoners in Hanoi have told of his heroism in captivity and his many actions to aid Americans who were captured and held with him, often at great personal risk. Rarely, if ever, has a man so convincingly demonstrated in advance his loyalty to the U.S. and his readiness to work for and support American ideals.

It has been well over 2 years since Mr. Badua's release from captivity, and he is presently serving on temporary duty at a Voice of America broadcast relay station in California. According to his supervisors, he is superbly qualified for that position. Under Public Law 80-402, however, U.S. citizenship is essential for Mr. Badua to hold that position on a permanent basis. That is why early approval of this bill is a matter of urgent necessity.

Mr. Badua's case is clearly different from the recent Indochina refugees, in that Mr. Badua was a longtime employee of USIA, held for over 5 years as a prisoner of war in North Vietnam, for whom U.S. citizenship is essential for permanent employment in the U.S. with the USIA.

I enclose copies of letters in support of this bill from some of the American prisoners of war held with Mr. Badua. Their letters speak eloquently of Mr. Badua's heroism at risk of life in his actions to help his fellow prisoners.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary for Congressional Relations.

MARCH 22, 1974.

HON. ROBERT L. LEGGETT,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN LEGGETT: I write first to express my respect and admiration for your humanitarian spirit in sponsoring H.R. 12449, the private citizenship bill for Mr. Candido Badua from the Philippines, and second to testify to his outstanding qualifications to become an American citizen.

Mr. Badua was captured by the Vietcong in Hue, South Vietnam at the same time I was in the Tet offensive of early 1968. We were taken north in the same group of prisoners shortly thereafter and were in the same prison camps most of the time until our release from Hanoi in March 1973. During our march north he shared his own near-starvation rations with other American prisoners of war, literally carried me or others on his back when we were unable to walk, made innumerable personal sacrifices to assist and encourage other Americans under the most soul-trying and body-weakening conditions. Mr. Badua's personal calm and constant readiness to help his fellow prisoners were invaluable to all of us. Mr. Badua, by his exemplary personal behavior and his complete, unwavering loyalty to the principles for which our country stands, earned the total and undying respect of every single American prisoner who knew him.

During the final stage of our captivity in Hanoi when Mr. Badua was able to speak openly of his cherished dream to become an American citizen, not only I but all the other prisoners who knew him endorsed and welcomed his hope.

I believe that our country owes a real debt of gratitude to Mr. Badua for his sacrifices in service to the U.S. Government, his totally unselfish aid to U.S. prisoners and his devotion to the best ideals of our country. I would be proud to welcome him as a fellow American citizen, and I wish your bill on his behalf, Godspeed and success.

Sincerely yours,

PHILIP W. MANHARD,
Ambassador.

GREENVILLE, N.C., April 25, 1975.

HON. JOSHUA EILBERG,
House of Representatives, Washington, D.C.

DEAR SIR: It is my understanding that a personal bill H.R. 2776 will be present regarding American citizenship for Mr. Candido Badua, a Filipino national held with me as a prisoner of war by the North Vietnamese from 1968 to 1973.

I wish to make a personal appeal for your assistance in this matter. I feel this would be one way to help repay him for the acts of courage he performed in my behalf and for other Americans who were fortunate enough to be in his company during our capture and incarceration.

Mr. Badua has indicated his strong desire to become an American citizen, and in view of the great personal sacrifice made by Mr. Badua in our behalf, I believe it to be appropriate to offer him any assistance possible to obtain citizenship.

As an example of Mr. Badua's courage, I would like to recite an incident which occurred 3 days after our capture. Mr. Badua inter-

vened at the risk of his own life when our captors threatened to shoot me. He stepped between me and the guerrilla guard whose intent was to kill me rather than leave me on the trail as I had fallen from exhaustion and was unable to walk further due to my injuries. Mr. Badua managed to pull me to my feet and with my hands on his shoulders this much smaller man tugged and pulled me for several miles until we both dropped from exhaustion. We were now out of the "hit" zone and were allowed to rest. I credit him with saving my life.

Another incident I would like to relate concerned the death and burial of Mr. Tom Ragsdale, U.S. agricultural adviser for AID. Mr. Ragsdale was killed during a bombing and strafing incident by the Americans while we were being marched through the jungle on our way to North Vietnam. We buried Tom in a grave in the jungle which was dug with our rice bowls. After a short funeral service participated in by each of the prisoners, Mr. Badua asked a guard for a bolo knife which he used to cut down a small tree and fashion a cross. On the face he carved "Tom Ragsdale, U.S. Agricultural Adviser, March 13, 1968". This act was responsible for the grave being found and Mr. Ragsdale's family subsequently being advised of his death.

Mr. Badua's knowledge of edible plants found on the trail to supplement the prisoners' diet, and his ability with the Vietnamese language was very useful and undoubtedly alleviated much suffering.

Mr. Badua has given outstanding service for over 20 years with the Voice of America. He has given high-caliber performance in a complex specialized field and given outstanding service in the American cause. It would seem appropriate and just for Mr. Badua to acquire the American citizenship he so desires and fully deserves.

I can think of no one I would rather call a fellow citizen than my friend "Pop" Badua.

Sincerely,

CHARLES E. WILLIS,
*Radio Engineer/Voice of America,
Greenville, N.C.*

ROCKVILLE, MD., April 24, 1975.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship and International Law, House of Representatives, Washington, D.C.

DEAR MR. EILBERG: In the recent Vietnam conflict, some men were called upon to make very heavy sacrifices. As an American soldier, I was bound by the Code of Conduct to perform in a certain manner while a prisoner of war. So I seek no accolades though my country has welcomed my return as a hero. However, there is one individual who is not American, yet who bound himself to me and other American POW's, thereby enduring great hardship, and conducted himself constantly in a manner which can only be expressed as laudatory and exemplary.

Candido Badua, known affectionately as "Pop" to his fellow prisoners, was an inspiration and guide to us all. In particular, his knowledge and willingness to help while on the long, arduous trail to Hanoi

was of great service to myself and other Americans who even, under better circumstances, would have found it difficult to survive and cope with the situation. His incarceration was marked by his unselfishness and cooperation with American prisoners. In short, he served America during his captivity a lot better than some Americans, even military, though himself a Filipino civilian employee.

Recently I learned that "Pop" has applied for U.S. citizenship and because of a law he is experiencing some difficulty in obtaining it. Having been a prisoner myself for 5 years, 2 months, I can personally attest to the fact that the United States should be proud to count "Pop" among its citizens.

I've been told that a special bill has been formulated, H.R. 2776, and that it is now before your subcommittee. The United States of America owes a debt to Candido Badua, and while I personally feel that we can never fully repay him, you can in a small way offset this debt by giving your favorable and expeditious attention to this bill. If you fail to do so, you will have committed a great injustice to a man who has served our country honorably at great expense to himself.

I respectfully request your prompt consideration in this matter. I would be most willing to appear before your committee to attest to Mr. Badua's complete loyalty to the United States of America.

Sincerely yours,

DONALD J. RANDER,
Warrant Officer, U.S. Army.

Similar supporting information has been received by the Senate Committee on the Judiciary. A letter dated February 11, 1976 to the Chairman of the Senate Committee on the Judiciary from the Assistant Secretary for Congressional Relations, U.S. Department of State, reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., February 11, 1976.

HON. JAMES O. EASTLAND,
*Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: I am writing with regard to H.R. 2776, approved by the House of Representatives and referred to your committee, which would make possible early citizenship for Mr. Candido Badua, a Philippine national employee of the U.S. Information Agency who was held with our men as a prisoner of war for over 5 years in North Vietnam.

Mr. Badua's fellow prisoners in Hanoi have told us of his heroism in captivity and his many actions to aid Americans who were captured and interned with him, often at great personal risk. Rarely, if ever, has a man so convincingly demonstrated in advance his loyalty to the United States and his readiness to work for and support American ideals.

It has been nearly 3 years since Mr. Badua's release from captivity and he is presently serving on temporary duty at a Voice of America broadcast relay station in California. According to his supervisors, he is superbly qualified for that position. Under Public Law 80-402, however, U.S. citizenship is essential for Mr. Badua

to hold that position on a permanent basis, which is why early approval of this bill is a matter of urgent necessity.

Mr. Badua's case is clearly different from the recent Indochina refugees, in that Mr. Badua was a longtime employee of USIA, held for over 5 years as a prisoner of war in North Vietnam, for whom U.S. citizenship is essential for permanent employment in the United States with the USIA.

We at the State Department urge your support for this bill and hope that favorable action on it will be taken soon. If I can provide additional information on it I hope you will let me know.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary for Congressional Relations.

Senator John Tunney submitted the following statement in support of the bill:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., November 25, 1975.

HON. JAMES O. EASTLAND,
*Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: I am writing to you in regard to H.R. 2776, a private immigration bill for the relief of Candido Badua.

Mr. Badua is a Philippine national who, while employed by the Voice of America in Vietnam, was captured and held as a prisoner of war from 1968 to 1973. He entered the United States as a permanent resident alien in 1973 and has lived here for two years. As you know, there is a 5-year residency requirement for naturalization. H.R. 2776 would waive the remaining portion of that requirement.

Mr. Badua is a remarkable man. His courage and loyalty to the United States are unquestioned. He received a letter from President Nixon extolling his bravery while in custody of the Vietcong, at which time he saved the life of another prisoner of war.

While I feel that we should not frequently waive the residency requirement for naturalization, I believe strongly that Mr. Badua is eminently worthy of U.S. citizenship. Mr. Badua's time spent as an "American prisoner of war in Vietnam cannot be ignored. The 5 years he lost are 5 years that America owes him.

I would be most appreciative if you would favorably recommend H.R. 2776.

Sincerely,

JOHN V. TUNNEY, *U.S. Senator.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 2776) should be enacted.



Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

For the relief of Candido Badua.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Candido Badua shall be held and considered to have satisfied the requirements of section 316 of the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States and, notwithstanding the provisions of section 310(d) of that Act, he may be naturalized at any time after the date of enactment of this Act if he is otherwise eligible for naturalization under the Immigration and Nationality Act.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

May 12, 1976

Dear Mr. Director:

The following bills were received at the White House on May 12th:

S. 2619 ✓	H.R. 2776 ✓
S. 2620 ✓	H.R. 4038 ✓
S. 3031	H.R. 5227 ✓
S. 3107 ✓	H.R. 8863 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C.